

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Tammy Fowler as Personal)	
Representative for the Estate of)	
Ralph Owens,)	
)	C.A. No. 8:21-0430-HMH
Plaintiff,)	
)	OPINION & ORDER
vs.)	
)	
SSC Seneca Operating Company, LLC,)	
d/b/a Seneca Health and Rehabilitation)	
Center; SavaSeniorCare Administrative)	
Services, LLC; and)	
SavaSeniorCare Consulting, LLC,)	
)	
Defendants.)	

This case alleging nursing home medical negligence was removed to this court on February 10, 2021. A few weeks later, on March 5, 2021, the Defendants filed a motion to compel arbitration, which the court denied on April 16, 2021. On May 17, 2021, the Defendants appealed the order denying the motion, and the Fourth Circuit affirmed on July 26, 2022. The mandate issued on August 17, 2022. During this interlocutory time period, proceedings in the case were stayed.

On July 26, 2022, the court issued a second amended conference and scheduling order. On August 24, 2022, the parties by consent conducted an early mediation prior to conducting discovery. After a Rule 26(f) conference, on August 26, 2022, the court issued a third amended scheduling order and, for the first time, ordered the parties to mediate in a separate mediation order with a mediation deadline of February 6, 2023. On October 25, 2022, the parties jointly moved for an amended scheduling order, alleging that the parties had not conducted discovery during the pendency of the appeal and that they needed additional time to do so. The court held a hearing on this motion on November 15, 2022. After the hearing, the court entered a final

amended conference and scheduling order and a final mediation order. The final mediation order required the parties to mediate prior to March 8, 2023. (Nov. 15, 2022 Mediation Order, ECF 60.) The court is informed that the parties have not conducted mediation pursuant to the November 15, 2022 mediation order. The final mediation order, which was entered almost three months after the early mediation in this case, states that “[a] meaningful mediation is to be completed in the above-referenced matter prior to March 8, 2023, on a date agreed to by the parties. Upon completion of the mediation, the court is to be advised of the results.” (Id., ECF No. 60.)

The parties are therefore ordered to advise the court within 10 days of this order as to the status of scheduling a meaningful mediation in this case pursuant to the November 15, 2022 final mediation order.

IT IS SO ORDERED.

s/ Henry M. Herlong, Jr.
Senior United States District Judge

March 15, 2023